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Date: June 24, 2008

Attention: Examiner Young J. Kim

Re: Appl. No. 10/602,045; Filed: June 24, 2003

From: Daniel J. Nevriy *DNW*
Reg. No. 59,118

For: Molecular Detection Systems
Utilizing Reiterative Oligonucleotide
Synthesis
Inventor: Michelle M. Hanna

Pages (including cover sheet): 11

Fax No: (571) 273-0785

Our Reference: 2072.0010003/MAC/DJN

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5. A copy of the Certificate Under 37 C.F.R. § 3.73(b) as filed in parent Application No. 09/984,664;
6. A copy of the Articles of Amendment to the Articles of Incorporation of Designer Genes, Inc. as filed in parent Application No. 09/984,664; and
7. A copy of the Assignment as filed in parent Application No. 09/984,664.

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June 24, 2008

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Art Unit 1637
Via Facsimile
Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/602,045; Filed: June 24, 2003
For: **Molecular Detection Systems Utilizing
Reiterative Oligonucleotide Synthesis**
Inventor: Michelle M. Hanna
Our Ref: 2072.0010003/MAC/DJN

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$130.00 to cover the Terminal Disclaimer fees under 37 C.F.R. § 1.20(d);
2. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent;
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6. A copy of the Assignment as filed in parent Application No. 09/984,664.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents

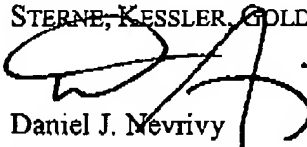
June 24, 2008

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Daniel J. Nevivny
Agent for Applicant
Registration No. 59,118

MAC/DJN/tdh
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| TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT | | Docket Number (Optional) 2072.0010003/MAC/DIN |
| In re Application of: Michelle M. Hanna | | |
| Application No.: 10/602,045 | | |
| Filed: June 24, 2003 | | |
| For: Molecular Detection Systems Utilizing Reiterative Oligonucleotide Synthesis | | |
| <p>The owner, <u>Ribomed Biotechnologies, Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>7,226,738</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent. "as the term of said prior patent is presently shortened by any terminal disclaimer." In the event that said prior patent later:</p> <ul style="list-style-type: none"> expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input checked="" type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. _____</p> <p style="text-align: center;">  Signature </p> <p style="text-align: right;"> <u>06/23/08</u> Date </p> <p style="text-align: center;"> Michelle M. Hanna Typed or printed name </p> <p style="text-align: right;"> <u>(760) 448-1355</u> Telephone Number </p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p> | | |

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